

REMARKS/ARGUMENTS

The present reply is responsive to the final Office Action dated January 12, 2005. Claims 1, 3, 7-8, and 15-16 have been amended. Claims 9-11, 14 and 19-23 have been canceled. Claims 5 and 13 are withdrawn. New claim 24 has been added. Thus, claims 1-4, 6-8, 12, 15-18 and 24 are presented for consideration.

As an initial matter, applicant's attorney would like to thank Examiner Miska for the very detailed and helpful interview conducted on April 6, 2005. As indicated in the Interview Summary sheet, possible amendments to claim 1 were discussed. The art of record was also discussed, in particular U.S. Patent Nos. 4,681,462 ("*Lloyd*"), 6,392,962 ("*Wyatt*"), 6,144,620 ("*dePoortere*"), and 5,124,960 ("*Miller*").

In the final Office Action, claim 18 was allowed, and claim 15 was objected to as being dependent upon a rejected base claim. Claim 15 has been rewritten in independent form to include the limitations of independent claim 1. In addition, claims 3 and 7-8 now depend from claim 15. Therefore, applicant respectfully submits that claims 3, 7-8, and 15 are in condition for allowance.

Claims 1-4, 6-8, 10, 12, 14, and 16-17 were rejected under 35 U.S.C. § 103(a) as being obvious in view of *Lloyd*. This rejection will be addressed in view of the currently amended claims, in particular claim 1, as well as in view of new claim 24.

As discussed in the previous reply dated September 30, 2004, the "device and input functions of this invention are not part of one integral structure and, in fact, are located on separate straps or substrates." (Reply to First Office Action, pg. 6.) Independent claim 1 has been amended to recite "a device adapted to be secured to a limb of a user with a device

strap, the device being disposed on the device strap and having a plurality of functions; and one or more inputs disposed upon an input substrate comprising a strap, the inputs being in communication with the device to control the plurality of device functions, the device strap being separate from the input substrate..." Thus, it is clear in claim 1 that the device is disposed on the device strap, the inputs are disposed on the input substrate, and the device strap is separate from the input substrate. Therefore, the device and the inputs are not part of one integral structure.

Claim 24 requires "an input substrate comprising an input strap adapted to be positioned around a hand of limb in an extended position, the input strap having a palm portion adjacent to the palm of the hand in the extended position; and one or more inputs disposed upon the input strap, the inputs being in communication with the device to control the plurality of device functions, the one or more inputs being positioned on the palm portion of the input strap so as to be operable by one or more digits of the hand of the user when the input substrate is in the extended position, and positioned so as to be inoperable by the digits of the hand of the user associated with the limb of the user when the input strap is in a retracted position."

In contrast to independent claims 1 and 24, *Lloyd* requires that the "display face 13 and button 16 (on the actuator 15) are disposed on the same side of the watch body 11 for a reason which will clearly emerge hereinafter." (Col. 3, lns. 29-31.) *Lloyd* then goes on to state "The watch body 11 is adapted to facilitate its snug and unobtrusive engagement on one hand 20 of the user of the stop watch 10 by being flexible in central region 26, between the display face portion 12 and the actuator portion 15, so that it can be bent into a substantially U or J shape on the hand 20." (Col. 3, lns. 44-49.) When the

recording device of *Lloyd* is worn, the button 16 lies on the palm, the watch body 11 is bent as described, and the display face 13 of the watch necessarily is positioned on the back of the hand.

The teachings of *Lloyd* are clear - the components of the watch, including the display and the button, are disposed on a single, flexible watch body, and not on separate straps or substrates. *Lloyd* in fact teaches away from the requirements of claims 1 and 24, in which the device strap is separate from the input substrate/input strap. Thus, for at least this reason, it would not be obvious to use the teachings of *Lloyd* to arrive at the structure of independent claims 1 or 24. Furthermore, the other art of record does not remedy the deficiencies of *Lloyd*.

As discussed in the interview, *Wyatt* discloses a method of sleep time adjustment using a watch placed on the wearer's wrist and finger-actuated inputs. FIGS. 4-5 illustrate a partial glove with inputs on the thumb and middle fingers of the partial glove. FIGS. 1-2 illustrate an alternative embodiment with the input on a thumb ring. *Wyatt's* device is used by an insomniac to determine a sleep time interval and a wake time interval. (See col. 3, lns. 28-54.) In order to perform the function desired, *Wyatt* places the inputs on the thumb and/or an opposing digit. "Use of the system of the invention pairs the incompatible behavior of holding two fingertips together with the behavior of falling sleep [sic] to allow an insomniac to gain control over falling asleep." (Col. 4, line 66 to col. 5, line 2.) *Wyatt* does not disclose or suggest placing the inputs anywhere except on the fingertips in order to accomplish the stated goals of helping insomniacs.

dePoortere discloses a watch disposed on the wearer's wrist and inputs disposed on a ring placed over one of the fingers. See FIG. 1. In *dePoortere*, the apparatus is adapted to monitor an athletic activity "and is advantageously

constructed to not interfere with movement of the hand." (Abstract.) In the only figure showing the system on the arm, the switch 106 is disposed on the band or ring 112, which is placed on one of the wearer's fingers.

Miller discloses a personal memory aid device with timekeeping circuitry in a housing 5 worn on the wrist and transducers placed on a digit switch module 2. The digit switch module 2 may be a ring placed about a finger, as shown in FIGS. 1(a)-(b), or a may be placed about the finger as part of a "glove-like article 16," as shown in FIG. 1(c). In both of these examples, the digit switches of Miller are placed on a finger.

Neither Wyatt, Miller nor DePoortere discloses or suggests moving the inputs or an input substrate between an extended position in which the inputs are operable and a retracted position in which the inputs are inoperable. Furthermore, as Lloyd teaches away from separating the inputs from other watch components, one would not be motivated to combine the teachings of Wyatt, Miller or DePoortere with Lloyd to arrive at the structures claims in claims 1 and 24.

Therefore, applicant respectfully submits that independent claims 1 and 24 are in condition for allowance. Claims 2, 4, 6, 12, and 16-17 depend from claim 1 and include all the limitations thereof as well as other limitations neither disclosed nor suggested by the art of record. Therefore, applicant submits that the subject dependent claims are likewise patentable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have. If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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